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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,726	06/25/2003	Kazuyoshi Obayashi	111376.01	1535

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EXAMINER

SWENSON, BRIAN L

ART UNIT PAPER NUMBER

3618

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,726

Applicant(s)

OBAYASHI, KAZUYOSHI

S

Examiner

Brian Swenson

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/22/03 6/21/03 12/23/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species 12 (Figures 12-13) in the reply filed on 22 June 2004 is acknowledged, an action on the merits of claims 1 and 2 follows.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,112,151 issued to Kruse.

Kruse teaches in Figures 1-10 and respective portions of the specification of an engine-drive-regulation supporting apparatus mounted on a vehicle (16) driven by an engine (Figure 4), the apparatus comprising: engine-drive-regulated region (see at least metro areas (56) shown in Figure 6) detecting means (Figure 1) including at least one of means for judging whether or not the position of the vehicle is in a prescribed engine-drive-regulated region on the basis of information received from a vehicle position detecting device provided on the vehicle (18) or from an external (20) with respect to the vehicle, and means for receiving an engine-drive-regulation signal from an external with respect to the vehicle (see at least Col. 6, lines 53-59); and engine-drive regulating means for giving a notice to a vehicle driver (54; Figure 3), suspending the engine, or decelerating the engine (the injector map (83) slows the engine by reducing pressure, which decreases the release of emissions) when it is judged that the position of the vehicle is in the prescribed engine-drive-regulated region or in response to reception of the engine-drive-regulation signal.

In regards to claim 2 Kruse teaches of the engine-drive-regulation supporting apparatus as recited in claim 1, wherein the engine-drive regulating means includes: means for judging whether or not the vehicle is in the prescribed engine-drive-regulated region and the present time is in a prescribed engine-drive-regulated time range (see at least Col. 3, lines 49-59, Col. 7, line 14; Figure 10 steps [0070]-[0100]); and means for giving the notice to the vehicle driver (54 and Col. 4, lines 32-45), suspending the engine, or decelerating the engine when it is judged that the vehicle is in the prescribed

engine-drive-regulated region and the present time is in the prescribed engine-drive-regulated time range.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,485,161 issued to Vaughn.

Vaughn teaches in Figures 1-4 of an engine-drive-regulation supporting apparatus (Figure 1) mounted on a vehicle (10) driven by an engine (14), the apparatus comprising: engine-drive-regulated region detecting means including at least one of means for judging whether or not the position of the vehicle is in a prescribed engine-drive-regulated region on the basis of information received from a vehicle position detecting device provided (GPS) on the vehicle (36) or from an external with respect to the vehicle, and means for receiving an engine-drive-regulation signal from an external (Figure 2) with respect to the vehicle; and engine-drive regulating means for giving a notice to a vehicle driver, suspending the engine, or decelerating the engine (Figure 4, step 180) when it is judged that the position of the vehicle is in the prescribed engine-drive-regulated region or in response to reception of the engine-drive-regulation signal, see at least Col. 9, lines 29-44; Figure 4; Col. 10, lines 8-33.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,151,549 issued to Andrews et al. teaches of controlling the fuel supply to an engine, based on the vehicle's position.

U.S. Patent No. 6,094,618 issued to Harada teach of controlling a vehicle by antenna.

U.S. Patent No. 6,161,072 issued to Clapper teaches of automatic control using GPS.

U.S. Patent No. 6,356,833 issued to Jeon teaches of a vehicle speed sensor using wireless communications.

U.S. Patent No. 6,633,811 issued to Aumayer teaches of adjusting vehicle speed according to vehicle location.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (703) 305-8163. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

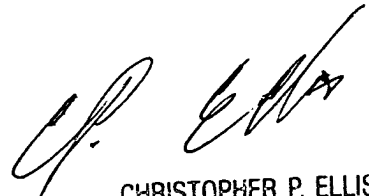
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner
Art Unit 3618

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